

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

New Claims 7 and 8 have been added. Support for these claims may be found, for example, in the specification on page 3, lines 24-25 and page 4, line 2. Claims 1-8 are now pending in this application.

Claims 1, 3 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over JP 409119177 A to Onishi et al. (Onishi '177) for the reasons set forth in paragraphs (1) and (3) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the following reasons.

Initially, Applicant believes that the rejection should refer to Claims 1, 3 and 4 since Claim 5 depends upon Claim 2. The following remarks are based on that assumption.

According to the Office Action, Figure 1 of Onishi '177 discloses a sound deadening laminate which includes a layer 2 of a sound deadening material having "an equivalent Young's Modulus included between 50 and 600 psi." Reference is made in the Action to the Abstract and paragraphs [0014] to [0021] of the cited document. It appears to be the Examiner's position that the Young's Modulus range of 50 to 600 psi in the present claims represents an optimization of the range described in Onishi '177.

According to the disclosure in paragraph [0014], layer 2 (porous material B) has a bulk density of 100 Kg/m³ or less (i.e., 6.2 lbs./ft.² or less) and a Young's Modulus ranging from 1.0×10^3 to 1.0×10^6 N/m², i.e., a range from 1,000 N/m² (i.e., 1 kPa) to 1,000,000 N/m² (i.e., 1 MPa). A Young's Modulus of 50 psi is equivalent to 345,000 N/m² ($50 \times 6.9 = 345$ kPa = 345×10^3 N/m²) while a Young's Modulus of 600 psi is equivalent to 4,140,000 N/m² ($600 \times 6.9 = 4140$ kPa = 4.1 MPa = 4.1×10^6 N/m²).

In the specific embodiments disclosed in Examples 1 and 2 of the reference, layer 13 (Fig. 6) and layer 15 (Fig. 7) are identified as a rock wool fiber material having a density of 24 kg/m³ (i.e., 1.5 lbs./ft.³) and a Young's Modulus of 3×10^3 N/m² (i.e., approximately 0.5 psi). Note paragraphs [0045] and [[0048]. It is quite clear from the above that the optimum embodiments of the sound deadening material of Onishi '177, as reflected in Examples 1 and 2 thereof, are significantly outside the ranges of the present claims. If those of ordinary skill sought to optimize the density and Young's Modulus ranges of the sound deadening materials disclosed in Onishi '177, they would be guided by the working examples therein which one would presume represents the optimum performance of the structures of the reference. Optimizing the ranges disclosed in Onishi '177 would not lead to the presently claimed invention.

Claim 4 specifies that the sound deadening board has a density between about 9 and about 14 pounds per cubic foot. According to Onishi '177, layer 2 has a bulk density of 100 kg/m³ or less, i.e., 6.2 pounds per cubic inch or less. This density is substantially outside the range of Claim 4.

For at least the above reasons, Claims 1, 3, 4 and 7 are patentable over the disclosure of Onishi '177. Accordingly, the §103(a) rejection based on this document should be withdrawn and such action is respectfully requested.

Claims 2, 4 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over JP 409111909 A to Onishi et al. (Onishi '909) in view of Onishi '177 for the reasons given in paragraphs (2) and (3) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the following reasons.

Applicant believes that the rejection of Claim 4 is in error and that this rejection was intended to be applied to Claims 2, 5 and 6. The remarks which follow are based on this assumption.

Onishi '909 has been cited for its disclosure of a building component assembly allegedly composed of at least one assembly framing member and at least one sound deadening board comprising a structural skin attached to a sound deadening material. Reference has been made to Figure 1 and paragraphs [0008] to [0015].

The building component assembly described in Onishi '909 is a double wall panel consisting of two opposing porous surface boards 1 sandwiching a space, at least one board being a laminate having a layer 2 identified as a sheet article. Thus, the building component assembly described in this document is not comprised of at least one assembly framing member and at least one combination sound-deadening board attached to said framing member such that the sound-deadening material of the board faces the framing

member. Nor does this document disclose a combination sound-deadening board as claimed herein as admitted in the Office Action.

The secondary reference, Onishi '177, does not supply the deficiencies of Onishi '909. The secondary art does not disclose a building component assembly comprising an assembly framing member and a combination sound-deadening board nor does Onishi '177 fairly suggest a combination sound-deadening board as specified in present Claims 2, 5 and 6. Even if one of ordinary skill in this art was motivated to combine the disclosures of Onishi '909 and '177, the resultant article would not render obvious the presently claimed building component assembly.

As for the rejection of Claim 6, it is clear that a sound deadening board having a weight density of between about 9 and about 14 lbs./ft.³ is not contemplated by Onishi '177 for reasons discussed above in connection with the rejection of Claim 4.

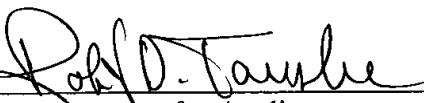
For at least the above reasons, the §103(a) rejection of Claims 2, 5 and 6 over Onishi '909 in view of Onishi '177 should be reconsidered and withdrawn. Such action is earnestly requested.

Attorney's Docket No. 7130-2
Application No. 09/981,491
Page 8

Further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is respectfully requested. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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